

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LOVETT AUTO & TRACTOR PARTS,  
INC., on behalf of itself and all others  
similarly situated,

Plaintiff,

v.

CHAMPION LABORATORIES, INC.;  
PUROLATOR FILTERS N.A. L.L.C.;  
HONEYWELL INTERNATIONAL INC.;  
WIX FILTRATION CORP., LLC;  
CUMMINS FILTRATION, INC.;  
THE DONALDSON COMPANY;  
BALDWIN FILTERS INC.;  
BOSCH U.S.A.;  
MANN + HUMMEL U.S.A., INC.; and  
ARVINMERITOR, INC.,

Defendants.

Case No. 08-cv-02046

Judge Robert W. Gettleman

Magistrate Judge Arlander Keys

**AGREED MOTION FOR EXTENSION OF TIME  
TO RESPOND TO THE COMPLAINT**

Defendant Champion Laboratories, Inc. ("Champion") hereby moves the Court, with the agreement of plaintiff Lovell Auto & Tractor Parts, Inc. ("plaintiff"), pursuant to the Federal Rules of Civil Procedure, for an order enlarging the time for Champion to respond to the complaint in this action for thirty (30) days. This motion is not intended to waive any defenses that Champion may have, including, but not limited to, the defenses of insufficiency of the service of process, improper venue, and lack of personal jurisdiction. The grounds for this motion are as follows:

1. On April 10, 2008, plaintiff filed the complaint in this action, which alleges violations of Section 1 of the Sherman Act, 15 U.S.C. § 1. Plaintiff styled the complaint as a putative class action.

2. As of the date of this motion, another plaintiff has filed a separate complaint in this District, eight plaintiffs have filed complaints in the District of Connecticut, two plaintiffs have filed complaints in the Southern District of Illinois, one plaintiff has filed in the Eastern District of Tennessee, and one plaintiff has filed in the District of New Jersey. All of these complaints also allege federal and/or state antitrust claims against Champion and are styled as putative class actions.

3. On April 11, 2008, plaintiff Lovett Auto filed a motion before the Judicial Panel on Multidistrict Litigation (the "JPML") to transfer and consolidate in this District all existing and subsequently filed antitrust actions related to the claims alleged in its complaint. On April 15, 2008, plaintiffs in five of the actions pending in the District of Connecticut filed a motion before the JPML to transfer and consolidate all existing and subsequently filed actions in the District of Connecticut. Those motions are currently pending before the Panel.

4. In light of the multiple complaints on file, the pending motions before the JPML, and the complex nature of plaintiff's allegations, Champion hereby moves, with the plaintiff's consent, to extend the time for Champion to answer or otherwise respond to the complaint in this matter for 30 days, without prejudice to Champion's right to seek additional time to answer or otherwise respond to the complaint for good cause shown.

5. Counsel for Champion conferred with counsel for plaintiff prior to filing this motion and was advised that plaintiff consents to the relief requested.

6. Champion has not previously requested an extension of time to answer or otherwise respond to the complaint.

**WHEREFORE DEFENDANT CHAMPION PRAYS:**

1. That this Honorable Court enter the attached order granting an extension of time until June 12, 2008 to answer or otherwise respond to plaintiff's complaint; and
2. That this Honorable Court grant any other relief it deems just.

Dated: May 7, 2008

Respectfully submitted,

By: /s/Nicholas J. Siciliano

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Of Counsel for Defendant  
Champion Laboratories, Inc.

**CERTIFICATE OF SERVICE**

I, Nicholas J. Siciliano, hereby certify that on May 7, 2008, I electronically filed the foregoing Agreed Motion For Extension Of Time To Respond To The Complaint with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the individual(s) listed below:

**Stewart M. Weltman** - sweltman@weltmanlawfirm.com

and I hereby certify that I have mailed the document or paper to the following non-CM/ECF participants by First Class United States Mail:

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